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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,033	03/10/2004	Shin Yasuda	119038	2178
25944	7590	12/14/2005		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER ASSAF, FAYEZ G	
			ART UNIT 2872	PAPER NUMBER

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.F

Office Action Summary	Application No. 10/796,033	Applicant(s) YASUDA ET AL.	
	Examiner Fayez G. Assaf	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 73-78 is/are pending in the application.
- 4a) Of the above claim(s) 73,74 and 78 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,10-16 and 75-77 is/are rejected.
- 7) ☒ Claim(s) 5-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

Newly submitted claim 78 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claim 78 appears to read on non-elected Species 2.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 78 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The examiner notes that a clear typographical error exists in the previous Office Action when withdrawn claim 74 was inadvertently listed under the 102 rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

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the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 10-16 and 75-77 are rejected under 35 U.S.C.

103(a) as being unpatentable over Kawano et al. (US 2001/0002895 A1).

Regarding claims 1 and 76, Kawano discloses a holographic recording apparatus for multiple-recording a file comprising one or more page data in an optical recording medium as at least two holograms, wherein page data of separate files are recorded respectively in different positions in the optical medium (paragraph [0143]). Kato does not explicitly teach the page data of separate files not being multiplexed.

However, the recitation with respect to the manner in which the claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitations.

It would have been obvious, at the time the invention was made, to a person having ordinary skill in the art to store the hologram without multiplexing in order to reduce cross talk (i.e. noise) during reconstruction of the holograms.

Ex parte Masham, 2 USPQ2d 1647 (1987).

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Regarding claim 2, Kawano discloses the page data in the predetermined unit being a page data that constitutes one file (i.e. 2-dimensional array of data).

Regarding claims 3, 75, 76 and 77, Kawano discloses the information making the file corresponding to a recording area (i.e. due to shift multiplexing, line 4 of [0143]), in which the file is recorded.

Regarding claim 10, Kawano discloses the polarization direction of the signal light beam being set parallel to a polarization direction of the reference light beam (claim 11).

Regarding claim 11 and 12, Kawano discloses the polarization direction of the signal light beam being set orthogonal to a polarization direction of the reference light beam (claim 12).

Regarding claims 13-16, Kawano discloses the optical recording medium includes at least one type of polymer includes an azobenzene structure in a side chain (paragraph [0138]).

Regarding claim 4, Kawano discloses the claimed invention except for the page data that represents head information being added to a front/end page of the file.

However, such referencing is well known in multiple hologram recording.

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It would have been obvious, at the time the invention was made, to a person having ordinary skill in the art to add head information in order to ease file searching/classifying.

Allowable Subject Matter

Claims 5-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5-9 are allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest when the page data included in the one file is divided to a plurality of blocks and the plurality of blocks are recorded, the page data in the predetermined unit is page data that constitutes one block of the plurality of blocks as set forth in the claimed combination.

Response to Arguments

Applicant's arguments filed 09/29/2005 have been fully considered but they are not persuasive.

Applicant argues that Kawano describes recording the data continuously, hence fails to teach the holograms not being multiplexed. The examiner respectfully notes that the device of

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Kawano is capable of storing the holograms without the step of multiplexing as one of ordinary skill in the art appreciates (see the 103 rejection).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fayez G. Assaf whose telephone number is (571) 272-2307. The examiner can normally be reached on 8-5 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Fayez G. Assaf
Primary Examiner
Art Unit 2872

12/12/2005